

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

February 10, 2005

Vice-Chair, J. Aslakson called the meeting to order at 4:03 p.m., and roll was taken.

MEMBERS PRESENT: T. Harryman, J. Aslakson, B. Mazade, S. Warmington, B. Turnquist, T. Johnson, B. Smith, T. Michalski, L. Spataro

MEMBERS ABSENT: None.

STAFF PRESENT: L. Anguilm, H. Griffith

OTHERS PRESENT: B. Ashley, 1074 Jefferson; G. Borgman, 234 Houston; C. Shepherd, 408 Monroe; K. Redpath, Jefferson Towers; J. Edmonson, MAF; K. Davis, 3162 Boltwood; T. DeBoer, 880 First St.; J. Marcenowski, 239 W Clay; J. Searer, 113 Emmitt; G. Hodge, Hodge Development Services LLC; D. Medendorp, Lakeside M & G; S. Parker, 2116 Harrison; J. Parker, 2104 Harrison; Bill ?, 860 Marquette.

NEW MEMBER

J. Aslakson welcomed Byron Turnquist to the Planning Commission Board.

APPROVAL OF MINUTES

A motion to approve the minutes of the regular meeting of January 13, 2005 was made by T. Michalski, supported by S. Warmington and unanimously approved.

ELECTION OF OFFICERS

A motion to nominate J. Aslakson as Chairman was made by T. Michalski, supported by T. Harryman and unanimously approved.

A motion to nominate T. Michalski as Vice-Chair was made by S. Warmington, supported by B. Smith and unanimously approved.

B. Mazade arrived at 4:07 p.m.

L. Spataro arrived at 4:08 p.m.

PUBLIC HEARINGS

Hearing; Case 2005-05: Request for a special land use permit, per section 701 (5, a.) of the Zoning Ordinance, to allow an ice cream shop/grocery store in an RM-1 Low Density Multiple-Family Residential zoning district at 1074 Jefferson Street, by William Ashley, Ashley Leasing.

L. Anguilm presented the staff report. 1) The subject property is the site of an existing commercial building on Jefferson Street, which provides the site with its primary access. 2) The property is surrounded by other residentially zoned properties to the south, north, and west; to the east is a B-2 zoning. There are two multi-family residential developments adjacent and across the street, those being Hamilton Apartments, and Jefferson Towers. 3) The building has 2,000 sq. ft. of usable space on the first floor, or which the shop may actually take somewhat less, depending on the space required for equipment. The second floor houses the applicant's leasing office, where he and his son are the only employees. 4) There is a paved parking lot on the property that would hold approximately 8 cars, and other parking for the business may be accommodated with limited on-street parking. Parking for the leasing business can be accommodated in the drive leading up to the garage, as long as the parking lot is not blocked. The parking lot would need to meet the screening, landscaping and lighting standards of this ordinance. It would also need to be striped and defined by curbing or curb stops. 5) As a condition of a Special Use Permit in an RM-1 zoning district, "All business, servicing, or processing shall be conducted within a completely enclosed building or in an area specifically approved by the Planning Commission". The applicant is proposing some outside seating in warm weather. 6) No cigarette, wine or liquor items will be sold on the premises. 7) Staff has discovered that the parcel containing the parking lot and the parcel on which the structure is located are actually separated by a platted alley. These two properties were inadvertently joined together in 1997 by the County Assessor's Office. Since parking must be accommodated on site in an RM-1 zoning district (except for limited street parking) this alley would need to be vacated so that the parking area is included as part of the same parcel. The applicant has agreed that approval by the City Commission of the alley vacation would be a condition of issuance of the Special Use Permit. 8) Since no physical changes to the site would be required, a site plan wasn't circulated to other departments. A change of use will require certain structural changes to the building, including ADA compliant restrooms, handicap accessible entrance doors, etc. All of those issues will be dealt with in the permit and inspections phase. 9) Frank Carozk, who's law office is located at 1065 Peck Street, has no objection to the request. 10) Bo Kim, 2317 Blissfield, owner of 86 Houston objects to the use on this site. 11) David Tomczak of 43 Houston stated that he wasn't in favor of the request. 12) Staff was contacted by Commissioner Shepherd who said several neighbors had called her objecting to the request. Staff recommends approval of the request with conditions.

L. Spataro asked why the request was for a Special Use Permit as opposed to a zoning change. L. Anguilm stated that a zoning change wasn't necessary as this is allowed under a special use permit. L. Spataro stated that this structure looked more like a home rather than a business and asked if staff knew whether or not it had been a home at one time. B. Ashley stated that it has always been a business of some kind. The first owner was a doctor who had his office there. He didn't know if the doctor lived above the office or not. He also went over some of the other uses that had been in the building. B. Turnquist asked if the owner would need to live there in order to approve the SUP. L. Anguilm stated that the owner didn't need to. T. Michalski asked

if staff knew if there would be a need to change the structure of the building for the use if this is approved. L. Anguilm stated that one thing would be that the doors would need to be ADA compliant, but those requirements would be dealt with through the Inspections Department. B. Turnquist asked about signage. L. Anguilm stated the applicant would need to apply and meet the sign requirements under the Zoning Ordinance. J. Aslakson asked about the outside services. B. Ashley stated that he was considering umbrella seats or gazebos on the property for the customers to sit and eat their ice cream. He stated that if this succeeds, then he would demolish the home that he owns next door to this at 1086 Jefferson and create a park like setting for his customers to enjoy. He would also offer some specialized items in the grocery store. G. Borgman stated that he as well as his parents that live next door to him approved of this request. He stated that he would back Mr. Ashley in any way that he could with this endeavor. B. Ashley asked if C. Shepherd would share who had contacted her that was opposed to this request. C. Shepherd stated that there were some residents who live in the area had spoken to her. They had concerns due to Gov's market and the loitering that goes on there. There was concern that it would happen at this location as well. She had also heard from someone speaking on behalf of some of the residents at Jefferson Towers who were also had the same concerns. B. Ashley stated that he has spoken to some of the residents of Jefferson Towers and he wasn't given any negative feedback by those that he spoke with. He would also have a list for people to write down items that they needed so he could get them. The prices for the groceries would be compatible with other places in the area. B. Smith asked about the size of the grocery store. B. Ashley stated that it would consist of the bare basics and any items that someone asks him to carry, such as a particular cough medicine so the customer wouldn't need to go to the pharmacy to obtain it. He wasn't looking for anything large scale. T. Michalski asked if this was going to be an ice cream parlor that carries groceries or a grocery store that has an ice cream parlor. B. Ashley stated that it would be an ice cream parlor that carried limited groceries. T. Michalski asked about proposing to demo the neighboring home if this is successful. B. Ashley stated that he had purchased the home from Old Kent Bank. He had fixed the home up and his son is living there. K. Redpath, who is the site manager of Jefferson Towers, stated that she has spoken to many of the tenants and they had said nothing but positive things regarding this. Her concern was with the customers loitering at Jefferson Towers in the parking lot.

C. Shepherd stated that she didn't feel that this request was a bad idea, but as a Commissioner, she had to bring forward the feelings that had been expressed to her by the people in the community. She thinks this is a great idea, but doesn't know how it will work out long term. L. Spataro stated that he was glad there is an interest in a business such as this. He would prefer to see this in a zoning district that would allow it. He had suggested the 3rd Street corridor. The zoning is appropriate and there are vacant store fronts. B. Ashley stated that he would like to do it where he already owns the property and cater to that area.

A motion to close the public hearing was made by L. Spataro, supported by T. Johnson and unanimously approved.

B. Mazade asked if the outside seating should be part of the motion if approved. T. Johnson and B. Smith agreed that it should. L. Spataro stated that both of the applicant's buildings are beautifully maintained. He felt this use would be better along the 3rd Street corridor as opposed to this location. He brought up the traffic for the Frosty Oasis, Fat Jacks, and Frosty Cove. He

couldn't support this because he felt there was a reasonable alternative. B. Smith stated that she didn't feel the owner would allow it to go downhill. Having to go a couple of blocks could mean a lot to someone as opposed to being able to walk across the street to get their items. The couple of blocks may not be as easily done for some people. T. Michalski stated that he agreed with L. Spataro. He was also concerned with the possibility of demolishing a good home. He didn't feel that the location was the best place for it. T. Harryman asked if the SUP would stay with the property or the owner. L. Anguilm stated that it would stay with the property, but the house wasn't included in this request. T. Johnson stated that the use is allowed there under the SUP and this could create a stimulus for 3rd Street development. L. Spataro stated that he was worried about the potential impact this could have on the neighborhood.

A motion that the special land use permit, per section 701 (5, a.) of the Zoning Ordinance, to allow an ice cream shop/grocery store in an RM-1 zoning district at 1074 Jefferson Street, by Ashley Leasing, be approved, based on compliance with the City's Master Land Use Plan and conditions set forth in Section 2332 of the City of Muskegon Zoning Ordinance based on the following conditions: 1) The parking lot would need to meet the screening, landscaping and lighting standards of this ordinance. It would also need to be striped and defined by curbing or curb stops for a maximum of 8 parking spaces. 2) No cigarette, wine or liquor items will be sold on the premises. 3) All business, servicing, or processing shall be conducted within a completely enclosed building, or in an area specifically approved by the Planning Commission. 4) Approval of the vacation of the alley between Jefferson and Sanford Street, which separates the parking lot from the structure. 5) The special land use permit shall become null and void within one year of the public hearing if the use has not been established or all conditions have not been met. 6) The Special Land Use permit document shall be recorded with the register of deeds prior to occupying the building. 7) Outside seating be allowed as described by the applicant, was made by T. Johnson, supported by B. Smith and was defeated with T. Harryman, S. Warmington, B. Turnquist, T. Michalski, and L. Spataro voting nay.

Hearing, Case 2005-06: Request for a special land use permit, per section 1301 (11) of the zoning ordinance, to allow a taxi service in a B-4 General Business zoning district at 1087 W. Laketon Avenue, by Stephanie Tilford. The applicant has withdrawn her request.

Hearing; Case 2005-07: Request for final Planned Unit Development approval for a mixed use residential and commercial development on the former Muskegon Mall Property (100 Muskegon Mall) by, Chris McGuigan (Downtown Muskegon Development Corporation). L. Anguilm presented the staff report. 1) The subject property is the site of former Muskegon Mall, encompassing approximately eight blocks downtown. 2) The Preliminary PUD was approved by both the Planning Commission and City Commission in August 2004. 3) Five vacant buildings remain on the site, and are original to Muskegon's downtown. 4) A copy of "DMDC Design Standards" was submitted as part of the request. The applicant wishes to adopt these standards as part of the Final PUD. 5) The applicant provided staff with a "General Explanation of Submittal", as well as a "Proposed Features and Vision" statement, copies of which are enclosed. These documents could be incorporated into the final approval, as well. 6) What the applicant would like to accomplish through the Final PUD process is gain approval for the proposed locations of all streets, sidewalks, parking areas, service drives, and building locations. 7) There are 914 parking spaces proposed for the site. The old Muskegon Mall site had approximately 1032 space. 8) The site is located in the "Downtown Parking Overlay

District”, which means any uses, except residential, may use on-street parking for up to 30% of their required parking area. 9) Also, “parking areas for other than single, or two-family residential uses may be located up to 1,000 feet from the building they are intended to serve and may be provided in any zoning district except the R-1 district”. 10) Planned Unit Developments are meant to be a “living, breathing” document. They can be amended and, in this case, staff foresees many amendments in the future as the individual properties are sold to individual developers. 11) The Department of Public Works has no issues with the site plan provided. 12) The Police Department has no issues with the site plan provided. 13) Engineering has submitted no comments regarding this site plan. 14) The Fire Department has the following comments: 1) The project shall comply with MFPA 1141, Standards for Fire Protection I planned building groups; 2) Fire flow test shall be conducted ASAP, with the assistance of the DPW, to determine availability of hydrants and over all water supply. Report shall be submitted to the local Fire Marshall and Fire Chief for review. 15) An e-mail was received from Kurt Peiczynski, 297 W. Clay, unit #412. A copy of the email was provided to the commission members. Staff recommends approval of the Final PUD request based upon the above staff review of the “Standards for Approval of PUD Plans”, and “Final PUD Plan Submission” requirements with conditions.

J. Edmonson went over what was submitted to the commissioners in their packets. He also provided and went over the changes to the design standards. The reason they are applying for approval of the final PUD at this time is due to the submittal for the street designs, discussions with the developers, and the fundraising efforts they are undertaking. The street would probably be the first amendment because there seems to be some issues with the design. The engineers are working on it now. He doesn’t anticipate any change to the topography. T. Johnson had some concerns with the parking for the Frauenthal. J. Edmonson explained that the plan was to have surface parking and if needed, it could be changed to garage parking. T. Johnson asked about the bus terminal being moved to the parking ramp. J. Edmonson stated that the County is still looking at doing it. They may possibly get some Federal funding, which would help with the rehabilitation and the upkeep of the ramp if it is moved there. B. Mazade brought up Market Street and the post office parking. J. Edmonson explained Market Street and stated that they would be accommodating the post office. L. Spataro asked if the final PUD plan included the bus station property and if so, would it create a problem later? J. Edmonson stated that the commission members could put a condition that this would only include the properties owned by the DMDC. S. Warmington stated that he was also concerned with the parking. T. Harryman agreed that there are parking issues, but at the same time he didn’t want to see vast expanses of parking lots. He worked at the Frauenthal and didn’t mind walking a couple of blocks from where he parked. T. Michalski stated that he had some concerns with Western Avenue, but the applicant had already answered them. He wanted the applicant to be careful not to fragment the downtown area. L. Spataro stated that he shared some of the same concerns. K. Davis stated that he is concerned with the removal of the green building of the building standards. He felt it should remain. T. DeBoer stated that he represents the owner of 880 First Street. He is concerned about the parking for their building. He is having problems with coming up with new leases for the tenants because the leases are for five or more years and he can’t guarantee them parking. J. Marcenowski stated that he is also concerned with the parking situation. J. Searer stated that he is concerned about the parking for the Frauenthal events.

A motion to close the public hearing was made by L. Spataro, supported by T. Harryman and unanimously approved.

B. Mazade suggested a condition that the parking would be approved by the City. B. Smith asked who/how adequate parking would be determined. J. Edmonson suggested a condition that the parking lots surrounded by Clay/Morris and 2nd/3rd Streets have the number of spaces currently there being maintained with the DMDC working with existing property owners to address parking needs. B. Turnquist stated that there is a need to have parking downtown.

A motion that the final PUD and associated site plan and documents for 100 Muskegon Mall (former Muskegon Mall site) be approved pursuant to the determination of compliance with the intent of the City Zoning Ordinance and City Master Land Use Plan based on the following conditions: 1) The "General Explanation of Submittal", as well as a "Proposed Features and Vision" & design standards provided by the applicant be adopted as part of this request. 2) The project shall comply with MFPA 1141, Standards for Fire Protection I planned building groups. 3) Fire flow test shall be conducted ASAP, with the assistance of the DPW, to determine availability of hydrants and over all water supply. Report shall be submitted to the local Fire Marshall and Fire Chief for review. 4) Detailed landscaping plans be submitted to the Planning Department along with the site plan, as each parcel is developed and the PUD amended. 5) The PUD applies to the properties owned by the DMDC only. 6) The DMDC will make the best effort possible to work with existing property owners, including the County of Muskegon, the U.S. Postal Service, and owners of the Ameribank building regarding short and long term parking needs both on and off the site. 7) For the parking area bounded by Third, Second, Clay and Morris Streets, the DMDC will ensure, to the greatest extent possible, that the current number of surface parking spaces (283) will be maintained by new surface or parking structure spaces, in order to satisfy the needs of the Walker Arena, the Frauenthal Theater, the Holiday Inn, and new development, was made by L. Spataro, supported by T. Michalski and unanimously approved.

T. Harryman left at 5:47 p.m.

Hearing; Case 2005-08: Request to rezone the properties located at 2111 and 2123 McCracken Street and also 2117 and 2125 Lakeshore Drive from R-1 Single Family Residential to RM-1 Low Density Multiple-Family Residential district, by Greg Hodge (Hodge Development Services, LLC). L. Anguilm presented the staff report. 1) The applicant withdrew the original request for rezoning of the property to RM-1 at the October 14, 2004, Planning Commission meeting. (The associated Preliminary PUD review was subsequently tabled at that same meeting.) The applicant resubmitted an identical request at the December 16, 2004 meeting, which was recommended for denial to City Commission. City Commission denied the request at their January 25, 2005 meeting. 2) The only change to the rezoning request is that all of the property located at 2137 McCracken has been excluded, as well as the Southerly 55 feet of 2123 McCracken. 3) Since the preliminary site plan submitted with this rezoning request show that the proposed development doesn't meet the front or rear setback requirements and no commercial element is included in the request, a PUD application would need to be resubmitted by the applicant and approved by the Planning Commission. 4) The subject property is located at the southwest corner of Lakeshore Drive and McCracken Street. The parcels along McCracken Street are remnants of a former railroad right-of-way and the two along Lakeshore

Avenue are platted lots. The entire project site is zoned R-1, as are all properties on the block. Across Lakeshore Avenue, zoning of properties within the notification area include R-1 and B-4. Across McCracken Street, the properties facing Lakeshore are zoned RM-1 and those facing Harrison Avenue are zoned R-1. Zoning of properties to the south, across Harrison, is R-1. The neighborhood is predominantly single family residential other than along Lakeshore Avenue, where there is a mix of single and multi family uses, commercial uses and vacant land. 5) The Future Land Use Map shows the subject property to be "Single & Two-Family Residential." It is adjacent to the "Lakeside Pedestrian Scale Mixed-Use Area" across Lakeshore Drive, which promotes "pedestrian-friendly, mixed-use development and redevelopment." 6) The Master Land Use Plan states: It is the goal of the Master Plan to retain the McGraft Park Residential Sub-Area as single family in orientation. As such, the Master Plan supports ongoing efforts towards the rehabilitation of mature housing stock for continuing single family use and, where feasible, the construction of new single family detached homes. Moreover, those features of the sub-area considered highly beneficial to the area's residential character, aesthetic quality and life style should be fully protected and, where necessary, enhanced. These include McGraft Park, Seyferth Playfield, and tributaries of Ruddiman Lagoon. While fostering the above goal, it is acknowledged that a limited range of commercial and office activities are appropriate to select segments of Lakeshore Drive and Sherman Boulevard. Typically, non-residential uses should be oriented to the needs of the local populace. Such development should be highly controlled pursuant to type, location, and design in order to prevent negative impacts of the sub-area's residential focus. 7) Though the subject property is not located within it, it is adjacent to the Lakeside area. The City of Muskegon Waterfront Redevelopment Sub-Plan 1999 recognizes the residential character of the Lakeside area and recommends mostly residential with some mixed-use commercial/office and residential development that utilizes and respects local vernacular styles for the design of new buildings and preserves views of the lake. 8) The RM-1 district permits multiple family dwellings, up to 16 dwelling units per acre; current R-1 zoning permits single family detached dwellings, up to seven (7) dwelling units per acre. The PUD option allows for mixed land uses that are compatible with each other. The maximum number of units permitted on the site are approximately: R-1, 3 dwelling units; R-T, 4 dwelling units; RM-1, 8 dwelling units. 9) Since this is strictly a rezoning request, the site plan wasn't routed to Fire, Police or Public Works Departments. 10) Ellen Davis, 2057 Harrison, sent an e-mail objecting to the request due to traffic and safety issues, among other things. A copy was provided to the commission members. 11) Liz Parker of 1387 Montgomery objects to the request. 12) Denise Meyer objects to the request stating that the properties owned by the applicant aren't being kept up. The intent of the RM-1 zone district is to provide sites for multiple family dwellings that will generally serve as zones of transition between the nonresidential districts and lower density one and two family residential districts. Some of the primary differences between the R-1 and RM-1 zone districts are: principal uses permitted in the RM-1 zone are more intensive than those in the R-1 zone; greater allowable density; and greater flexibility with the PUD option in the RM-1 zone. Based upon the goals and recommendations of the Master Plan, however, the requested RM-1 zone is a more intense zone district than expected for the area, though there is previously zoned RM-1 property directly across McCracken Street. Further, the Master Plan recommendation that the density not exceed 50% of the allowable R-1 density is not satisfied by the RM-1 zone. Recommended density should not exceed 10.5 dwelling units per buildable acre; RM-1 zoning permits 16. By comparison, the RT Two Family Residential District's Principal Uses Permitted are comparable to the R-1 zone and it allows 10 dwelling units per buildable acre, while the PUD option still

allows mixed uses. Though staff finds the RT zone more appropriate for the site per the 1997 Master Plan and the 1999 Waterfront Redevelopment Sub-Plan, development in the area has not necessarily mirrored the expectations at the times when those plans were adopted. Based upon the above analysis, staff is recommending denial of the request to rezone the subject property from R-1 to RM-1 because the request does not conform to the goals and recommendations of the 1997 Master Plan, finding that the RT zone is more appropriate. Should the Planning Commission find that the goals and recommendations of the current plans are not reflective of current conditions and expected trends, and choose to recommend the City Commission rezone the property, appropriate changes in the Master Plan should be made at or before the next major Master Plan update.

G. Hodge explained that they were proposing 2 four-plex structures on Lakeshore Dr. There would be more parking than required by the zoning ordinance. B. Mazade stated that according to the Master Plan and previous PC meeting discussions the property could be zoned RT. He asked is the applicant was requesting RM-1 because it would allow them to do what they wanted, whereas, the RT zoning wouldn't. D. Medendorp stated that the RM-1 zoning would allow them to do what they are proposing.

B. Smith left at 5:59 p.m.

L. Spataro asked if the neighboring house had to be included for calculation purposes. L. Anguilm stated that it was. J. Aslakson asked what the City's recourse would be if it is asked to remove the house at a later date. L. Anguilm stated that was also one of staff's concerns. J. Aslakson asked how many buildings could be built under the PUD option. L. Anguilm stated that the PUD would allow for some flexibility. B. Mazade calculated the size of each of the properties in the request. L. Spataro stated that the commission members aren't supposed to decide if the property should be rezoned based on what the applicant would like to do there. They are to decide based on anything under that zoning could go there. S. Parker stated that he is opposed to the request. He stated that this was still a too intense use for the area. He was also concerned with how often people may move in and out and as to what kind of rental this would be (i.e. daily, weekly, etc.). K. Davis stated that he has received several phone calls regarding this. People have told him that they would like this property to remain single family. He asked how often this could be a request for the same property. J. Parker stated that she is opposed to the request. D. Medendorp stated that the home on Lakeshore Drive would stay. The garage may need to be torn down, but the home would remain.

A motion to close the public hearing was made by B. Mazade, supported by S. Warmington and unanimously approved.

B. Mazade stated that he would be willing to look at an RT zoning for the property along Lakeshore Dr., but not back to Harrison. He also couldn't see any of this property as an RM-1 zoning. L. Spataro stated that an applicant can make a request as many times as they pay the fee associated with it. He doesn't feel that this should encroach on the single family homes. Should this property be rezoned, it would open it up to anything under that zoning, no matter who owned the property or their intent. He had no concerns that the property wouldn't be maintained.

A motion that the request to rezone the properties located 2117& 2125 Lakeshore Drive and 2111 McCracken & the Northerly 29 feet of 2123 McCracken Street, from R-1 Single Family Residential to RM-1 Low Density Multiple-Family Residential district, as described in the public notice, be recommended for denial to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of compliance with the intent of the City Master Land Use Plan and zoning district intent, was made by B. Mazade, supported by L. Spataro and unanimously approved.

Hearing; Case 2005- 09: Staff initiated request to rezone the property located at 1282 Arthur Street from RM-1, Low Density Multiple-Family Residential to R-1, Single Family Residential. L. Anguilm presented the staff report. 1) The subject property is located at the northeasterly corner of Peck and Arthur and is currently City-owned. 2) Other properties along the easterly side of Peck Street is zoned RM-1, across Arthur is zoned RT, and to the east the zoning is R-1. 3) The properties across Peck Street are zoned RM-1. 4) There are several multi-family units located along Peck Street, and one across Arthur Street. There is a large vacant parcel located to the north of the subject property that also zoned RM-1. The property that is zoned R-1 located to the east, contains a single-family residence. 5) The property is unbuildable in either RM-1 or R-1 zoning because it contains only 5,775 sq. ft. 6) The adjacent property owner located at 32 Iona (zoned R-1) has given a deposit to the City of Muskegon for the purchase of this lot so he may join the two parcels together in order to expand his yard and construct a garage. His present property is only 44.5 x 66 ft., totaling 2,937 sq. ft. 7) The intent of the RM-1 zone district is to provide sites for multiple family dwellings that will generally serve as zones of transition between the nonresidential districts and lower density one and two family residential districts. Some of the primary differences between the R-1 and RM-1 zone districts are: principal uses permitted in the RM-1 zone are more intensive than those in the R-1 zone; greater allowable density; and greater flexibility with the PUD option in the RM-1 zone. Based on the plans reflected in the Future Land Use Map included in the Master Plan, the area in question is recommended for single family development. The area went through a major down zoning effort in 2003, however this parcel wasn't changed from it's RM-1 status, probably because of its property line on Peck Street. Since this property is slated to be sold to the property owner at 32 Iona, and would subsequently be joined as one parcel, it would be desirable to for the entire parcel to have the same zoning designation. There are several large trees on the site. They are located on the perimeter of the lot and will not interfere with any plans for a garage. They should be retained by the new owner. Based upon the above analysis, staff is recommending approval of the request to rezone the subject property from RM-1 to R-1 because the request conforms to the goals and recommendations of the 1997 Master Plan, including the Future Land Use Map.

A motion to close the public hearing was made by T. Michalski, supported by L. Spataro and unanimously approved.

A motion that the request to rezone the property located at 1282 Arthur Street, from RM-1 Low Density Multiple-Family Residential to R-1 Single-Family Residential district, as described in the public notice, be recommended for approval to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of compliance with the intent of the City Master Land Use Plan and zoning district intent, was made by L. Spataro, supported by T. Michalski and unanimously approved.

OLD BUSINESS

Hearing; Case 2004-35: Request for Preliminary Planned Unit Development approval of a mixed-use residential and commercial development for the properties located at 2111, 2123 and 2137 McCracken St. and also 2117 and 2125 Lakeshore Dr. by Dave Medendorp (Lakeside MG, LLC) – TABLED FROM DECEMBER 2004 MEETING

Case 2005-02: Staff initiated request to amend Section 2319 of Article XXIII (General Provisions) to amend the Residential Design Criteria language regarding minimum storage space in multi-family dwelling units. L. Anguilm presented the staff report. The Zoning Board of Appeals (ZBA) recently granted a variance allowing only 10% storage space for a multi-family development at 860 Marquette Avenue, whereas 15% is required by ordinance. Staff feels that the minimum 15% storage requirement may be unreasonable for multi-family units due to the fact that most multi-family units do not have basements, thus making it more difficult to provide the required 15% minimum storage for each of the units than if they did have basements. Staff feels that in a multi-family apartment-type setting, adequate storage can be provided for at 10% of interior living space of each unit of the dwelling. The commission members were provided with an excerpt of the November 9, 2004 ZBA minutes that helped explain the reasoning behind the approval of the variance.

NEW LANGUAGE

Deletions are ~~crossed-out~~ and additions are in **bold**.

1. Storage space of at least fifteen percent (15%) of the interior living space of the dwelling unit **for a single-family structure and at least ten percent (10%) of the interior living space of each dwelling unit for a multi-family structure**, exclusive of auto storage or attic storage, shall be provided within the structure.

As requested, staff has contacted several surrounding communities to inquire as to any minimum storage requirements as part of their zoning ordinances. We contacted the following communities and their responses were: No requirements in Muskegon Heights, North Muskegon, Norton Shores, Muskegon Township, Fruitport Township, and Dalton Township with no response from Roosevelt Park or Whitehall Township. We also looked up the ordinances for Ann Arbor and Detroit who also had no requirements. Staff was also asked to investigate a couple of other issues regarding this request. A couple of other questions were also asked of staff: Where did the original 15% number come from? Previous zoning staff tells me that the original intent of this language was to incorporate it into the single-family zoning requirements as a way of keeping the number of low-end houses built in the City of Muskegon to a minimum. It somehow was applied to other residential uses as well. How often have we had requests for a variance to these standards? It appears that most multi-family developments in the past several years have utilized the PUD option, and these standards weren't applied. Staff recommends approval of the request, based on the fact that this amendment is to applied to multi-family structures only.

T. Johnson asked if there was a recent request for this that wasn't going thru the PUD process. L. Anguilm stated that there was one for a multi-family only.

A motion that the amendment to Section 2319 of Article XXIII (General Provisions) of the Zoning Ordinance for Residential Design Criteria language regarding minimum storage space in multi-family dwelling units be recommended to the City Commission for approval, was made by T. Johnson, supported by L. Spataro and unanimously approved.

NEW BUSINESS

Case 2005-04 (No Public Hearing): Request for site plan review for a multi-family residential development on property located at 860 Marquette Avenue, by James Williams. L. Anguilm presented the staff report. 1) The subject property is located east of Getty on Marquette Avenue. The property is approximately 1.96 acres. It is located next to the City owned property that was recently rezoned to R-1, Single Family Residential. 2) The applicant is proposing 24 units composed of four 6-unit apartment structures, which are all two story. The units will have a one stall garage built into the front. There are proposed to be one entrance off of Marquette. 3) Staff has reviewed the Site plan and has the following comments: a) The vicinity map needs to show the correct location of the project. b) There are 48 parking spaces available with one in front of the garage and one inside. This meets ordinance requirements. The applicant will need to dimension the area involved in the parking to show that it meets the minimum 8'X18' requirement. c) The lights are labeled as 18' tall with 100% cutoff which meets ordinance requirements. d) The buildings will need to meet the residential design criteria as stated in the zoning ordinance (i.e. size, design, compatibility... etc.) Staff notes that the design doesn't meet the minimum storage requirement of 15%. e) The ordinance requires that there be 15% dedicated common open space. The site plan indicates there is 43% greenspace. f) There is a proposed 6' tall wood fence. Details need to be provided about this fence. It may not be this tall in front of the front building line of the property. g) The landscaping plan appears to be adequate. h) No signage information is provided. If any new signs are proposed, they should be included on the plan and will need to meet ordinance requirements of the residential districts. i) The Department of Public works has reviewed the site plan (comments received 1/25) and has the following comment: Water, sewer and storm utilities must conform to City of Muskegon specification. j) The Fire Marshall approved the plan. k) The commission members were informed of the Engineering Department's comments. l) No phone calls or letters have been received regarding this development at the time of this staff report. Staff recommends approval of the request with conditions.

B. Mazade asked if the storm water run off was satisfied with the Engineering Department. L. Anguilm stated that the only conditions that the Engineering Department gave was that there had to be a master meter for each building and the City ROW would end at Marquette and not go into the development. L. Spataro asked if the 11 ft. strip to the North of the property had to be paved. L. Anguilm stated that it had to be per the Fire Marshall, Major Metcalf. B. Mazade asked the applicant where the storm water would be going. Bill stated that the drains that are placed in the paved areas would be connected with perforated pipe; this would allow the rain water to run into the sand. L. Spataro stated that he didn't bring up the need for sidewalks because the paving isn't conducive to traffic and wouldn't be needed for this development.

A motion that the proposed site plan for a new multiple family housing development at 860 Marquette be, approved based on the following conditions: 1) A revised site plan will be submitted for staff approval (possible Planning Commission Review if needed changes are significant). The revised site plan will contain: a) A vicinity map showing the actual location of the project. b) 15% dedicated common open space. c) Proper height of the fence in front set back noted. d) Location of any signage, if needed, will need to be shown on the plan and will need to meet the residential signage requirements. e) Fire Flow – water supply information needed. f) Hydrants - amount needed shall comply with IFC appendix C. g) Fire Suppression may be required. This project shall meet standards for NFPA 1141 Planned Unit Development. 2) The buildings will need to meet the residential design criteria as stated in the zoning ordinance (i.e. size, design, compatibility... etc.). 3) Water, sewer and storm utilities must conform to City of Muskegon specification. 4) All requirements of the Fire Marshall shall be met. 5) All other condition placed upon the development by other city departments will need to be met including, but not limited to, all building codes, was made by B. Mazade, supported by S. Warmington and unanimously approved.

OTHER

Non-conforming Language – L. Anguilm stated that there were some commission members on the Legislative Policy Committee who had requested that the language be looked at. She asked the Planning Commission members what they would like seen done with it. J. Aslakson stated that it was fine the way it is. Decisions should be made on a case by case basis because you can't change the language for a certain area and not change it for the entire City.

There being no further business, the meeting adjourned at 5:36 p.m.

hmg
2/10/05